

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-12 are pending and stand rejected.

Claims 1, 2, 9, 11 and 12 are independent claim.

Claims 1, 2, 9, 11 and 12 have been amended.

Claims 1, 3-8, and 11-12 are objected to for containing parentheses therein. Claims 1-5 and 7-12 stand rejected under 35 USC 103(a) as being unpatentable over Kimura (USP no. 7, 116, 309) in view of Tukude (USP no. 4, 702, 566) and further in view of Chapman (USP no. 4,008,950). Claim 6 stand rejected under 35 USC 103(a) as being unpatentable over Kimura, Tukude and Chapman and further in view of Yamazaki (USPPA 20010040655).

With regard to the rejection of claims 1, 3-8 and 11-12 as being objected to for including parentheses, therein, applicant has elected to amend the claims to refer to the potential voltage difference, V1, using commas and remove the parentheses.

Applicant submits that for the amendments made to the claims, the reason for the rejection has been overcome and respectfully requests that the objection be withdrawn.

With regard to the rejection of claims 1-5 and 7-12 under 35 USC §103(a) as being unpatentable over Kimura in view of Tukude and Chapman, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to advance the prosecution of this matter, the independent claims 1, 2, 9, 11 and 12 have each been amended to further recite that the image is permanently formed in said material by patterning. No new matter has been added. Support for the amendment may be found at least in Figures 2a and 2b, wherein the rectangular blocks represent the holes that are etched into the material. See also page 6, lines 23-26. .

Kimura discloses a photowriting display comprising an electrochromic display member in which only regions irradiated with writing light generate carriers to realize conductivity within the display material, an electrochromic layer in which light absorption of the regions are reversibly changed owing to electrochemical oxidation and reduction reactions caused to occur because of the conductivity, an electrolyte in which the electrochromic layers are laminated and a pair of electrodes laminated through the photoconductor, the electrochromic layer and the electrolyte. Kimura discloses an optical pen that irradiates multiple layers within the display (see figure 11, for example) to produce an image. As the light optical pen moves, the display retains the image that was previously written in order to produce an image. Kimura further discloses that the image created on the display is erasable by applying a reversing voltage.

Kimura further teaches that after the reverse voltage is applied, the image is erased and a new image may be formed by repeating the writing process. See for example, col. 10, lines 23-29 ("... Another process may be employed in which erasing is performed at an arbitrary space (position) followed by performing writing.").

Thus, Kimura teaches a system that allows for the writing and erasing of images on a display. The written image is retained until it is erased by a reverse voltage.

However, although the image produced by the device of Kimura is retained until a reverse voltage is applied, the image is not a permanent image, as is recited in the claims. That is, after erasing the image, through the use of a reverse voltage, the same permanent image is not retrieved by applying a voltage to the electrodes, as is disclosed in the claims.

Tukude discloses a system that includes a plurality of vias (through-holes) that extend from a display substrate to a counter substrate. The through-holes are electrically conductive to provide a direct contact with a transparent electrode on the display substrate.

The holes disclosed by Tukude, thus, provide an electrical connection to a disclose substrate and are not associated with any patterning of the substrate to retain an image, as is recited in the claims.

Chapman discloses an electrochromic display cell having a transparent front panel

with an internal conductive coating. Chapman disclose that that in the prior art the electrolyte cavity must be greater than a certain minimum depth to assure an even color coating on the display electrode.

In rejecting the claims the Office Action refers to the through-holes of Tukude being incorporated into the display of Kimura and the through-holes being filled with a coloring material.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitation.

In this case, the combination of Kimura, Tukude and Chapman fails to disclose a material element of the claims.

Assuming that the through-holes described by Tukude are incorporated into the display substrate of Kimura, (even though Kimura fails to provide any teaching or suggest any need for including such through-holes in the substrate) the through-holes would provide an electrical connection between the layers, as taught by Tukude. The through-holes would have not further purpose other than providing electrical connection as taught by Tukude.

Furthermore, the through-holes of Tukude are created such that an electrical connection may be made from one substrate to the other substrate. Thus, the through-holes extend through the depth of the device. Tukude does not provide any teaching or suggestion regarding altering the depth of the through-holes. Thus, Tukude cannot provide any motivation to alter the depth of the through-holes to provide different layers of coloring as suggested by the Office Action.

Furthermore, even if the through-holes of Tukude were incorporated into the teaching of Kimura, such incorporation would be contrary to the teaching of Kimura. More specifically, Kimura teaches a display for writing, erasing and re-writing images. The incorporation of the through-holes would alter the writing, erasing and re-writing

capability of Kimura as the through-holes provide for an area that retains a specific condition (or image).

Hence, the incorporation of the through-holes of Tukude into the display of Kimura would alter the operating principles of Kimura.

As none of the references provide any reason or motivation to incorporate through-holes into the display of Kimura, applicant submits that the reason for the rejection has been overcome. In addition, even if the teachings of the cited references were combined, the combination would alter the operating principles of Kimura.

Accordingly, the combination of the cited references fails to render obvious the invention claimed.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of claim 6 under 35 USC §103, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Claim 6 depends from claim 1 which has been shown to include subject matter not disclosed by the combination of the cited references and Yamazaki fails to provide any teaching to correct the deficiency found to exist in Kimura in view of Tukude and Chapman.

Accordingly, the combination of the cited references fails to disclose a material element recited in the independent claims and thus, the combination of Kimura, Tukude, Chapman and Yamazaki cannot be said to render obvious the subject matter recited in the dependent claim 6.

For the amendments made to the specification and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,  
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